

COURT EXHIBIT

#2

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
RONALD S. ROBINSON,

Plaintiff,

-against-

VERDICT SHEET

CV 08-1874 (AKT)

SUFFOLK COUNTY POLICE DEPARTMENT,  
POLICE OFFICER JOHN VALENTE #5939/510/01,  
POLICE OFFICER BRIAN RATHBURN #35302/510/01,  
DETECTIVE MILTON GONZALEZ #861/3150, both  
in their official capacities as police officers and detective  
and in their personal capacities,

Defendants.  
-----X

Tomlinson, Magistrate Judge.

According to the principles of law as charged by the Court and the facts as you find them, please answer the following questions:

AS TO THE ALLEGED FEDERAL SECTION 1983  
"EXCESSIVE FORCE CLAIM"

1. Did the Plaintiff Ronald S. Robinson prove that his constitutional rights were violated by the use of excessive force against him by the Defendant Brian Rathburn on March 9, 2007?

YES \_\_\_\_\_

NO                     

If your answer to question 1 is "YES, you have found a verdict in favor of the Plaintiff Ronald S. Robinson against the Defendant Brian Rathburn in the Federal Section

1983 "excessive force" claim. In that event, please proceed to question 2.

If your answer to question 1 is "NO", you have found a verdict in favor of the Defendant Brian Rathburn in the Federal Section 1983 "excessive force" claim. In that event, please proceed to question 2.

2. Did the Plaintiff Ronald S. Robinson prove that his constitutional rights were violated by the use of excessive force against him by Defendant Milton Gonzalez on March 9, 2007?

YES \_\_\_\_\_

NO  \_\_\_\_\_

If your answer to question 2 is "YES", you have found a verdict in favor of the Plaintiff Ronald S. Robinson against the Defendant Milton Gonzalez in the Federal Section 1983 "excessive force" claim. In that event, please proceed to question 3.

If your answer to question 2 is "NO", you have found a verdict in favor of the Defendant Milton Gonzalez in the Federal Section 1983 "excessive force" claim. In that event, please proceed to question 3.

3. Did the Plaintiff Ronald S. Robinson prove that his constitutional rights were violated by the use of excessive force against him by the Defendant John Valente on March 9, 2007?

YES \_\_\_\_\_

NO  \_\_\_\_\_

If your answer to question 3 is "YES", you have found a verdict in favor of the Plaintiff Ronald S. Robinson against the Defendant John Valente in the Federal Section 1983 "excessive force" claim. In that event, please proceed to question 4.

If your answer to question 3 is "NO", you have found a verdict in favor of the Defendant John Valente in the Federal Section 1983 "excessive force" claim. In that event, please proceed to question 4.

**AS TO THE ALLEGED NEW YORK STATE  
ASSAULT CLAIM**

4. Did the Ronald S. Robinson prove that the Defendant Brian Rathburn committed an "assault" against him on March 9, 2007?

YES \_\_\_\_\_

NO \_\_\_\_\_ 

If your answer to question 4 is "YES", you have found a verdict in favor of the Plaintiff Ronald S. Robinson against the Defendant Brian Rathburn in the state law assault claim. In that event, please proceed to question 5.

If your answer to question 4 is "NO", you have found a verdict in favor of the Defendant Brian Rathburn in the state law assault claim. In that event, please proceed to question 5.

5. Did the Ronald S. Robinson prove that the Defendant Milton Gonzalez committed an "assault" against him on March 9, 2007?

YES \_\_\_\_\_

NO \_\_\_\_\_ 

If your answer to question 5 is "YES", you have found a verdict in favor of the Plaintiff Ronald S. Robinson against the Defendant Milton Gonzalez in the state law assault claim. In that event, please proceed to question 6.

If your answer to question 5 is "NO", you have found a verdict in favor of the Defendant Milton Gonzalez in the state law assault claim. In that event, please proceed to question 6.

6. Did the Ronald S. Robinson prove that the Defendant John Valente committed an "assault" against him on March 9, 2007?

YES \_\_\_\_\_

NO \_\_\_\_\_ 

If your answer to question 6 is "YES", you have found a verdict in favor of the Plaintiff Ronald S. Robinson against the Defendant John Valente in the state law assault claim. In that event, please proceed to question 7.

If your answer to question 6 is "NO", you have found a verdict in favor of the Defendant John Valente in the state law assault claim. In that event, please proceed to question 7.

**AS TO THE ALLEGED NEW YORK STATE**  
**BATTERY CLAIM**

7. Did the Plaintiff Ronald S. Robinson prove that the Defendant Brian Rathburn committed a "battery" against him on March 9, 2007?

YES \_\_\_\_\_

NO \_\_\_\_\_ 

If your answer to question 7 is "YES", you have found a verdict in favor of the Plaintiff Ronald S. Robinson against the Defendant Brian Rathburn in the state law battery claim. In that event, please proceed to question 8.

If your answer to question 7 is "NO", you have found a verdict in favor of the Defendant Brian Rathburn in the state law battery claim. In that event, please proceed to question 8.

8. Did the Plaintiff Ronald S. Robinson prove that the Defendant Milton Gonzalez committed a "battery" against him on March 9, 2007?

YES \_\_\_\_\_

NO \_\_\_\_\_ 

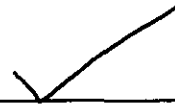
If your answer to question 8 is "YES", you have found a verdict in favor of the Plaintiff Ronald S. Robinson against the Defendant Milton Gonzalez in the state law battery claim. In that event, please proceed to question 9.

If your answer to question 8 is "NO", you have found a verdict in favor of the Defendant Milton Gonzalez in the state law battery claim. In that event, please proceed to question 9.

9. Did the Plaintiff Ronald S. Robinson prove that the Defendant John Valente committed a "battery" against him on March 9, 2007?

YES \_\_\_\_\_

NO \_\_\_\_\_



If your answer to question 9 is "YES", you have found a verdict in favor of the Plaintiff Ronald S. Robinson against the Defendant John Valente in the state law battery claim. In that event, please proceed to the below instructions.

If your answer to question 9 is "NO", you have found a verdict in favor of the Defendant John Valente in the state law battery claim. In that event, please proceed to below instructions.

#### INSTRUCTIONS

If your verdict is in favor of the Defendants on all three causes of action, do not answer the damages questions, cease deliberations, the foreperson should sign and date the verdict sheet and advise the Court by note that you are ready to return to the courtroom to announce your verdict.

On the other hand, if you have found a verdict in favor of Plaintiff Ronald S. Robinson on any of the causes of action, please answer the appropriate damages questions that follow.

**AS TO DAMAGES**

**Compensatory Damages**

**Only As to the Federal Section 1983 Excessive Force  
and the New York State Battery Claims**

10. Please state the amount of damages, if any, you award to the Plaintiff Ronald S. Robinson for his physical injuries and his pain and suffering from March 9, 2007 to the present date \$ \_\_\_\_\_

**Only As to the New York State Assault Claim**

11. Please state the amount of damages, if any, you award to the Plaintiff Ronald S. Robinson based upon his being placed in fear or apprehension of imminent harmful or offensive contact by Defendant or Defendants you found liable on March 9, 2007 \$ \_\_\_\_\_

12. Please state the amount of damages, if any, you award to the Plaintiff Ronald S. Robinson for his humiliation and emotional distress to date, proximately caused by the actions of the Defendant or Defendants you found liable. \$ \_\_\_\_\_

**Nominal Damages**

Answer question 13 only if you have found a verdict in favor of the Plaintiff Ronald S. Robinson in the excessive force claim, the assault claim, or the battery claim.

13. We decline to award compensatory damages to the Plaintiff Ronald S. Robinson and award nominal damages in the sum of \$ \_\_\_\_\_

**Punitive Damages**

14. Do you award punitive damages to the Plaintiff Ronald S Robinson against the Defendant Brian Rathburn?

YES \_\_\_\_\_

NO \_\_\_\_\_

If your answer to question 14 is "YES", please answer question 15.

If your answer to question 14 is "NO", please proceed to question 16.

15. We award punitive damages in favor of the Plaintiff Ronald S. Robinson against the Defendant Brian Rathburn in the sum of \$ \_\_\_\_\_

16. Do you award punitive damages to the Plaintiff Ronald S Robinson against the Defendant Milton Gonzalez?

YES \_\_\_\_\_

NO \_\_\_\_\_

If your answer to question 16 is "YES", please answer question 17.

If your answer to question 16 is "NO", please proceed to question 18.

17. We award punitive damages in favor of the Plaintiff Ronald S. Robinson against the Defendant Milton Gonzalez in the sum of \$ \_\_\_\_\_



18. Do you award punitive damages to the Plaintiff Ronald S Robinson against the Defendant John Valente?

YES \_\_\_\_\_

NO ✓ \_\_\_\_\_

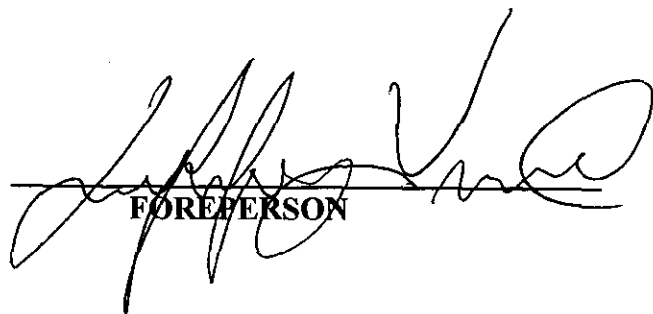
If your answer to question 18 is "YES", please answer question 19.

If your answer to question 18 is "NO", cease deliberations, the foreperson should sign and date the Verdict Sheet and advise the Court by note that you are ready to return to the courtroom to announce your verdict.

19. We award punitive damages in favor of the Plaintiff Ronald S. Robinson against the Defendant John Valente in the sum of \$ \_\_\_\_\_

Foreperson, please sign and date the verdict sheet and advise the Court by note that you are ready to return to the courtroom to announce your verdict.

Dated: Central Islip, New York  
November 17, 2011

  
FOREPERSON